

## How Do I Get Ready?

■ For mediation of cases involving children, each parent **MUST** file with the court a Child Support Affidavit stating your income. If you own real estate or are seeking alimony or attorney's fees, you may also be required to submit a Financial Statement. These documents must be filed before mediation in your case (and before a case management conference, if you have one). You can obtain the forms from the court or your lawyer. Mediation may not be held if you do not file these documents in advance, or you could be charged an additional fee.

Attach to the Child Support Affidavit your most recent tax return and documents pertaining to current income (such as a pay stub, employer statement, or statement of receipts and expenses if you are self-employed).

■ If there are children involved, make a list of what you think is important for your children. What do they need most at this time?

■ Figure out how much it will cost you each month to live and support the family. Be sure to bring that budget to mediation.

■ Know other facts and figures of your case and be prepared to think about helpful ways to settle it.

■ A good frame of mind is important. Mediation works best for people who want to try solving problems together.

■ The court has a short videotape about mediation. You can also get ready by doing some reading. Most libraries and bookstores have books about mediation and other forms of alternative dispute resolution.

## More Questions and Answers:

### ■ How long does mediation last?

A Court mediation session can last up to two or three hours or longer. If the mediation is not finished, it can be continued on another day if you and the mediator agree that it would be productive.

### ■ Is Court mediation expensive?

The fee for mediation is \$120 through the court. That fee covers two mediation sessions. It can be waived if you file a form with the court, and your request for waiver is granted. Mediation may reduce your total legal expenses later on by helping you avoid a contested trial.

### ■ Do I need a lawyer?

You are not required to have a lawyer. A lawyer may be very helpful, especially if you and your spouse do not agree about the children or dividing property. Even if you do not hire a lawyer to come to mediation with you, you may want to consult a lawyer before mediating.

### ■ Can I use a mediator, other than the one provided by the court?

If you are unable to reach an agreement, you may try mediation again, or you may ask for a court hearing. The mediator does not make any recommendation to the court about your case.

# Mediation Of Family Matters at Court

State of Maine

Judicial Branch

**Court Alternative  
Dispute Resolution Service  
(CADRES)**

RR 1, Box 310  
West Bath, Maine 04530-9704

Tel. 207-442-0227

Fax. 207-442-0228

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## Why Try Mediation?

- If you are seeking a divorce or want to have your divorce judgment changed, or you have another type of family matter (for example, if you are an unmarried parent trying to obtain the right to see your child), and you and the other party cannot agree on what should be ordered by the court, you are required by law to mediate your case.
- A judge or case management officer may waive or dispense with the mediation requirement if there is a serious reason to do so.
- Mediation allows you to make choices about what you feel is in your best interest. It is a way of helping people reach an out-of-court settlement that is also in the best interests of any children involved.
- You and the other party make the decisions in mediation. You are under no obligation to reach an agreement, and you do not give up your right to a court hearing.
- The mediator is impartial and trained to help you and the other party talk about your needs and differences so that you can work things out yourselves.
- Any offers or statements you make during mediation cannot be used against you in court if you do not reach agreement.

## What Happens in Mediation?

- At the start of mediation, the mediator will explain how mediation works and will answer your questions. You will briefly meet with the mediator privately.
- You can choose to mediate in a separate room from the other party if there is a significant reason not to be together in the same room.
- The mediator will ask each of you to describe what happened, what is happening now and what you want the judge or case management officer to do in your case that will control the future. The mediator will allow each person to take a turn in talking.
- The mediator may ask to meet with you alone (with your lawyer if you have one), so you can talk more comfortably. You may take a break at any time.
- If you reach an agreement, the mediator will write a summary of the agreement for you to sign at the mediation. If there are lawyers involved, they may draft more detailed settlement documents. Later, the agreement is presented to the judge or case management officer, who will review it and sign a court order.
- If you do not reach agreement, the mediator fills out a court form that tells the court that your case needs a hearing. Afterward, the clerk will schedule a date for you to appear in court for a trial.

## What Are the Benefits of Mediation?

- You have a chance to present your ideas in an informal, private setting, with the support and advice of your lawyer if you have one. It is a time to be heard and to listen to others.
- In mediation, you have a better opportunity to control the outcome of your dispute.
- Mediation may help you reach an agreement that will let you get on with your life and possibly keep you out of court in the future.
- By discussing your options in mediation, you may discover choices you did not know you had.
- Mediation may help you improve communication and find better ways to deal with your differences.
- What you say in mediation is confidential for most purposes, according to Rule 408(b) of the Maine Rules of Evidence. However, if a mediator learns about child abuse or that someone is in immediate danger of physical harm, the mediator must report that information to authorities.